

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -JUNE 7, 2005- -7:30 P.M.

Mayor Johnson convened the Regular Meeting at 7:45 p.m. Councilmember Matarrese led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers Daysog, deHaan, Gilmore, Matarrese, and Mayor Johnson - 5.

Absent: None.

AGENDA CHANGES

(05-259) Mayor Johnson announced that she would present the Proclamation expressing appreciation to Pacific Gas & Electric and Alameda Power & Telecom [paragraph no. 05-260], the Proclamation recognizing contributions to the City by our Gay and Lesbian Citizens [paragraph no. 05-261] and the Resolution Commending Officer Frank Damian [paragraph no. 05-262] prior to the Consent Calendar.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(05-260) Proclamation expressing appreciation to Pacific Gas & Electric and Alameda Power & Telecom for the prompt response in relocating a gas line, thereby greatly aiding the City's efforts in the construction of the new Main Library.

Mayor Johnson read and presented the proclamation to Susan Yee and Tom Gaurino from Pacific Gas & Electric (PG&E) and Dean Batchelor from Alameda Power & Telecom (AP&T).

Susan Yee thanked the Council for the proclamation; stated PG&E's priority has always been to be customer focused and provide the best level of service possible.

Tom Gaurino thanked the Council for the recognition.

Dean Batchelor stated that AP&T appreciates the proclamation and looks forward to working with departments to ensure the Library project's success.

(05-261) Proclamation recognizing contributions to the City by our Gay and Lesbian Citizens and encouraging the community to recognize these contributions, particularly during the month of June, Gay Pride Month.

Mayor Johnson read and presented the proclamation to Debra Arbuckle

from Out on the Island and the Alameda Lesbian Potluck Society.

Ms. Arbuckle thanked the Council for the proclamation and for the recognition of the Gay and Lesbian citizens.

REGULAR AGENDA ITEM

(05-262) Resolution No. 13846, "Commending Alameda Police Department Officer Frank Damian for His Contributions to the City of Alameda." Adopted.

Mayor Johnson read and presented the Resolution to Officer Frank Damian.

Officer Damian thanked the Council for the Resolution and stated that it has been an honor to serve with such a great department.

The resolution was adopted by consensus - 5.

Mayor Johnson called a recess at 7:58 p.m. and reconvened the Regular City Council Meeting at 9:55 p.m.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(05-263) Update on the new main library project.

The Project Manager provided a brief update.

Councilmember Matarrese thanked the Project Manager for ensuring that the project is on time and on budget; stated that it would be nice not to have to draw down on the \$2 million fund redevelopment bond money that has been earmarked for the project.

CONSENT CALENDAR

Mayor Johnson announced that the recommendation to accept the City of Alameda Long-Term Park Use Policy [paragraph no. 05-267] and the recommendations regarding Alameda Ferry Services [paragraph no. 05-270] were removed from the Consent Calendar for discussion.

Vice Mayor Gilmore moved approval of the remainder of the Consent Calendar.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

[Items so enacted or adopted are noted by an asterisk preceding the paragraph number.]

(*05-264) Minutes of the Special City Council Meeting held on May 12, 2005; and the Special and Regular City Council Meetings held on May 17, 2005. Approved.

(*05-265) Ratified bills in the amount of \$3,017,578.09.

(*05-266) Recommendation to authorize the Acting City Manager to execute a temporary Agreement with Alameda County for the exclusive provision of ambulance services by the City of Alameda Fire Department to the City of Alameda. Accepted.

(05-267) Recommendation to accept the City of Alameda Long-Term Park Use Policy.

Loretta Ferraro, Alameda, requested that there be a provision in the Alameda Municipal Code (AMC) which would allow the Gold Coast Coffee Mobile Espresso owner (proposed vendor) to use a parking space at the Lower Washington Park area and operate his truck in Alameda.

Michael Ferraro, Alameda, urged acceptance of the staff recommendation; stated that there is no ordinance permitting mobile vendors to operate within the City; provided a handout regarding a Recreation and Parks Department public hearing on June 9, 2005.

Councilmember Daysog stated that the Council has been in contact with the proposed vendor and staff has been requested to look into the operational issues.

Susan Potter, Alameda, stated that other trucks are doing business in Alameda without licenses which causes revenues leave the City.

Councilmember Daysog stated that the ordinance allows ice cream trucks to roam through the City; the proposed vendor's request is for parking; inquired whether the Recreation and Park Commission would address the matter.

The Acting City Manager stated that there is an ordinance that addresses mobile vendors; the proposed vendor's request is working its way through the system.

The Assistant City Manager stated that there is a section in the AMC that prohibits rolling stores from using City streets, with the exception of selling fruit, vegetables, packed or labeled ice cream, peanuts or popcorn; the proposed vendor would like to park

in the parking lot near the Dog Park and then move from park to park; there is a Use Permit provision in the Open Space section of the Zoning Code that allows commercial concessionaires; the proposed vendor would need to get permission from the Recreation and Park Commission first in order to get a Use Permit from the Planning Commission to vend from a City park.

Mayor Johnson suggested having a workshop involving the business community and Recreation and Park Commission; stated that there is a significant difference in using a park versus a City street; the possibility of 10 trucks selling coffee in one place needs to be considered.

Councilmember deHaan stated there was a mobile canteen at Alameda Point; it is important to review the whole picture.

Mayor Johnson stated that she was not clear on the recommended policy.

Councilmember Matarrese stated that he does not believe the draft policy is ready for adoption; the policy does not establish or define standards for non-City use, long-term use, construction or renovation, or private uses; concessionaire needs to be defined; stated that he would oppose any private use that is 25% of the total park acreage available; the park application and review process is a procedure and not a policy; procedures and policies need to be kept separate; suggested that the policy be sent back to the Recreation and Park Commission.

Mayor Johnson concurred with Councilmember Matarrese; noted that the statement regarding the Recreation and Park Department's authority to deny non-City uses is unclear; Recreation and Park Commission decisions need to be able to be appealed to the City Council; stated that it was not the Council's intent to have the Recreation and Parks Department have the sole determination to deny non-City uses; the language needs to be changed; the Council did not request a policy that limited any appeal rights or delegation of Council authority.

Vice Mayor Gilmore stated that it appears that the policy was combined with the process and did not follow through on either one completely.

Councilmember deHaan stated there is a need for a policy.

Vice Mayor Gilmore moved that the matter be sent back to the Recreation and Park Commission.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

Mayor Johnson inquired whether Council was clear on direction regarding the Recreation and Park Commissions review the coffee vendor issue, to which the Acting City Manager responded the Recreation and Park Commission is currently reviewing the matter.

Councilmember deHaan stated it appears that the matter is farther reaching than just the Recreation and Park Commission and could spill over into other activities.

Councilmember Daysog stated there is no need to change the ordinance if the proposed vendor does not want to have a rolling store; the proposed vendor's sole intent to park his truck would be a separate issue.

Mayor Johnson stated the matter would come back to the Council if necessary.

Councilmember Matarrese stated that the Council's intent was to have a policy in place before another request for use of parks was received which might cause some difficulty with the neighbors or the use of the park; stated that he wants the matter to come back to the Council regardless of what the Recreation and Parks Commission determines.

(*05-268) Recommendation to approve First Amendment to Agreement with Consolidated Construction Management extending the term, scope of work and price for the New Main Library Project. Accepted.

(*05-269) Recommendation to set June 21, 2005 as the hearing date for Delinquent Integrated Waste Management Charges. Accepted.

(05-270) Recommendations regarding Alameda Ferry Services:

(05-270A) Resolution No. 13847, "Applying for Five Percent Unrestricted State Funds and Two Percent Bridge Toll Revenue Funds for Operating Subsidy and Capital Projects for the City of Alameda Ferry Services, and Authorizing the Acting City Manager to Enter into All Agreements Necessary to Secure These Funds." Adopted;

(05-270B) Recommendation to authorize the Acting City Manager to execute extension of the Ferry Service Agreement with the Port of Oakland; and

(05-270C) Recommendation to authorize the Acting City Manager to execute extension of the Blue and Gold Fleet Operating Agreements

for the Alameda/Oakland Ferry Services (AOFS) and adopt associated budget.

Councilmember Matarrese stated that there was a public hearing regarding the Harbor Bay ferry which addressed increasing ridership and marketing services; the public should know that the City is trying to get as much grant money as possible to keep the ferries operating; the ferries need to be in front of the public's eye; encouraged people to take the ferries.

Councilmember deHaan stated the Water Transit Authority (WTA) joined forces with the City in moving forward with publicity; noted the Port of Oakland's \$140,000 contribution is now reduced to \$83,000; there is talk about the Port not contributing at all; noted there would be a major glitch if the contribution amount was not maintained at the current amount or higher.

The Acting City Manager stated the contribution was going to be a budget cut for the Port of Oakland; the Port was persuaded to make a contribution of \$83,325 for the next fiscal year; getting the WTA to take over in the future would solve the problem with the Port of Oakland funding the ferries.

Councilmember DeHaan stated that it appears that the WTA is going forward to establish runs in various directions; inquired whether it was the Council's desire to join forces with the WTA at some point.

The Acting City Manager responded that joining forces with the WTA would be a Council decision; the WTA's first goal is to establish new ferry services; the WTA is starting to look at the Harbor Bay Ferry Service for merchandising and providing some other services to the City.

Councilmember deHaan inquired whether the WTA would have jurisdiction over funds.

Mayor Johnson responded that the WTA is a transit agency and would have access to funding that the City does not have.

The Acting City Manager stated that the WTA has access to Regional Measure 2 Funds which are difficult for the City to access except through the WTA; the City is currently using Regional Measure 1 Funds through the Metropolitan Transportation Commission.

Councilmember deHaan moved adoption of the Resolution and acceptance of the staff recommendations.

Under discussion, Councilmember Daysog stated that the Council needs to be careful with the WTA taking over the Harbor Bay ferry or any of the ferries; the Blue and Gold ferry, and to some extent the Harbor Bay ferry, are locally controlled; the WTA might decide to have the ferry leave from somewhere else.

Mayor Johnson stated the level of service and location can be negotiated.

On the call for the question, Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

(*05-271) Resolution No. 13848, "Approving the Paratransit Service Plan and Applying for Measure B Paratransit Funding." Adopted.

(*05-272) Resolution No. 13849, "Authorizing Open Market Purchase from Cogent Systems, Inc., Pursuant to Section 3-15 of the Alameda City Charter, of Cogent Automated Palm/Fingerprint Identification System Upgrade in the Amount of \$37,815." Adopted.

(*05-273) Resolution No. 13850, "Adopting an Agreement for Participation in Alameda County Operational Area Emergency Management Organization." Adopted.

(*05-274) Resolution No. 13851, "Designating All Alameda Fire Stations as Receiving Points for Surrendered Babies Under the California State Health and Safety Code Section 1255.7, known as the Safely Surrendered Baby Law." Adopted.

(*05-275) Resolution No. 13852, "Requesting and Authorizing the County of Alameda to Levy a Tax on All Real and Personal Property in the City of Alameda as a Voter Approved Levy for the General Obligation Bonds Issued Pursuant to a General Election Held November 7, 2000." Adopted.

REGULAR AGENDA ITEMS

(05-276) Ordinance No. 2941, "Amending the Alameda Municipal Code to Increase the Composition of the Recreation and Park Commission from Five to Seven Members by Amending Subsections 2-7.2 (Membership; Appointment; Removal), 2-7.3 (Qualification; Voting) of Section 2-7 (City Recreation and Park Commission)." Finally passed.

Councilmember Matarrese moved final passage of the Ordinance.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote - 5.

(05-277) Public Hearing to consider an Appeal of the Historical Advisory Board's approval of a Landscaping Plan for planting two Coast Live Oak trees on the vacant property at 301 Spruce Street. The submittal of a Landscaping Plan, as part of new development proposals, was required by the Historical Advisory Board as a condition for the removal of one Coast Live Oak tree in 2001; **and adoption of related resolution.** The site is located at 301 Spruce Street within the R-4 Neighborhood Residential Zoning District. Applicant: Bill Wong for Hai Ky Lam. Appellant: Patrick Lynch and Jeanne Nader. **Continued to June 21, 2005.**

(05-278) Resolution No 13853, "Confirming the Business Improvement Area Report for FY 2005-2006 and Levying an Annual Assessment on the Alameda Business Improvement Area of the City of Alameda for FY 2005-2006." Adopted.

Councilmember deHaan moved adoption of the Resolution.

Vice Mayor Gilmore seconded the motion, which carried by unanimous voice vote - 5.

(05-279) Recommendation to accept the Donor Recognition and Names Gifts Policy for the Library.

The Library Director gave a brief presentation.

Mayor Johnson inquired whether the \$30,000 contribution for the mural was reflective of the cost.

The Library Director responded in the affirmative; stated that four or five works of art have been selected for the new Main Library; there is funding for only one.

Councilmember deHaan inquired whether the proposed policy has been patterned after other libraries, to which the Library Director responded in the affirmative.

Councilmember deHaan commended the Library Director's ingenuity; inquired whether plaques would be placed in appropriate spots reflecting the donation.

The Library Director responded there would be a donor wall; individuals who donate \$5,000 over their lifetime would be recognized on the donor wall; rooms and pieces of furniture would also be recognized; areas of the library will be built without donations; donations can specifically name and honor the donor in a particular area of the Library.

Mayor Johnson inquired who would decide on the wording and size of the plaques.

The Library Director responded that there would be different sizes for different donation levels; the donor and the Foundation will work together to finalize wording and ensure appropriateness.

Mayor Johnson stated the size and approved wording should be established; inquired whether there would be a provision to not accept a donation.

The Library Director stated that the final bullet in Exhibit A of the staff report states that final approval rests with the City Council; inquired whether the Council would like to review the policy again.

Mayor Johnson responded that the Council would like to review the policy when the finer details are in place.

The Library Director stated that the named gift list is not final.

Councilmember Daysog stated that the Council might want to move slower and get more public input.

The Library Director stated that there has been a public process.

Councilmember Daysog stated the Library is public space and almost becomes a quazi-privatized space with all the donation recognition markings; it is important to have balance.

Councilmember Matarrese stated the criteria regarding the ability to refuse a contribution, prohibiting corporate logos, and appropriate recognition should be spelled out.

Mayor Johnson stated criteria for appropriate wording should also be included.

The Library Director stated some suggested wording could be "Gift from" or "In honor of."

Mayor Johnson inquired whether a wall of recognition was considered instead of plaques on objects throughout the Library.

The Library Director responded the wall recognition was also intended.

Mayor Johnson inquired whether it was necessary to have both the

wall recognition and the plaques, to which the Library Director responded that having both is usual.

Councilmember deHaan stated the Council is concerned with positioning too many plaques through various areas of the Library; inquired whether the donor plaque recognition would be replicated on the wall.

The Library Director responded that any donor who gives \$5,000 or more would be recognized on the donor wall; noted the Library Foundation has begun to schedule meetings with donors.

Mayor Johnson stated she likes the idea of the large item and area recognition; inquired whether fund raising efforts would be impacted.

The Library Director responded that having recognition for large items and areas might be an incentive.

Councilmember Daysog stated that the Council should get clarification on the legal issues of refusing a contribution.

The City Attorney stated that any reasonable rules could be imposed; the City cannot say no for the wrong reasons; parameters can be drafted.

Councilmember Matarrese stated that he agrees with the concept and framework of the policy; inquired when the policy defining the criteria to refuse a contribution and appropriate recognition would come back to Council, to which the Library Director responded that she would hope the policy could come back at a City Council meeting in July.

Councilmember DeHaan stated how the plaque would read is important.

Mayor Johnson stated she would like to have a recognition wall only as long as there would be no fundraising impact; suggested looking into what other libraries and public buildings have done.

The Library Director stated it was not unusual to place names on shelves.

(05-280) Recommendation to accept the Webster District Strategic Plan Report.

Councilmember deHaan stated that having a grocery store as a key anchor was not possible; inquired whether parking is being proposed.

The Business Development Division Manager responded she is talking to an owner.

Councilmember deHaan stated parking accommodations are all important for any business and retail area.

Councilmember Daysog encouraged doing an analysis on the demand for parking spaces.

The Business Development Division Manager stated that the report addresses the need to review parking in the entire area; when new businesses try to existing buildings to a new use, meeting the parking requirements is difficult; there is a need to look at a parking policy for the area which would met the parking demand.

Councilmember Daysog stated that quantifying is important; there are pros and cons; some neighbors might not want parking structures while businesses would.

Councilmember deHaan stated the Council gave direction to purchase an existing parking area that was previously rented.

Sherri Stieg, West Alameda Business Association (WABA), expressed her appreciation for the support that WABA has received from the Council and City staff; stated WABA supports the goals of the Strategic Plan and urges implementation as soon as possible; WABA does not want the Plan to close off viewpoints for other opportunities; the funding for Goal #5 [Small Business Assistant Program] has been eliminated because of reduced funding; there is continued funding for the Façade Grant Program and some funding for a recruiter; noted the analysis of opportunity sites was limited to vacant land on Webster Street; there are other opportunities; WABA will address the need for long- and short-term parking solutions; stated she receives daily calls regarding parking issues; parking will bring in additional business.

Councilmember deHaan moved approval of the staff recommendation.

Vice Mayor Gilmore seconded the motion, which passed by unanimous voice vote - 5.

ORAL COMMUNICATIONS, NON-AGENDA

(05-281) The following speakers spoke in opposition to the proposed theatre multiplex and parking structure: Deborah Overgfield, Alameda; Jay Levine, Alameda; Robert Gavrich, Alameda; Richland Tester, Alameda; Jennifer Van Airdale, Alameda (submitted

letter); Griff Neal, Alameda; Ani Dimusheva, Alameda; Kevin Fredrick, Alameda; Valerie Ruma, Alameda; Carl Minns (submitted letter); and Pat Bail, Alameda.

(05-282) Wilbur Richards, Alameda, acknowledged the Council for tightening belts throughout the budget process; stated that damaged branches or tree fungus maintenance cannot be deferred.

(05-283) Albert Ortega, Alameda, stated that his loan for the Alameda Bayport Housing Lottery Program was denied because of the loan type; a letter sent by Alameda Development Corporation to the City never stated that any loan type would not be allowed.

Mayor Johnson inquired why Mr. Ortega's loan was rejected.

Mr. Ortega responded that his second loan was interest only and was deemed to be damaging to the housing program; the City Attorney advised him that the loan type violated State of California Redevelopment Law.

The Acting City Manager stated that the City Attorney advised Mr. Ortega that if one person was granted an interest only loan then everyone else would need to be treated the same; the risk was deemed not acceptable for the agency; Mr. Ortega was advised that interest only loans would not be accepted because of the risk.

Mayor Johnson inquired whether it would be possible for the Alameda Development Corporation to develop some information to provide potential buyers.

The Acting City Manager stated that a report would be provided to Council.

(05-284) Richard Neveln, Alameda, stated that public transit is still a problem in Alameda; parking is allowed at bus stops; temporary bus stops should be fixed to allow accessibility.

(05-285) Michael Ferraro, Alameda, stated that the proposed coffee vendor [who would like to park near City parks] is seeking a working permit for the whole City; he is not proposing to do business within the Park Street or Webster Street areas; stated Mr. Siden, East Bay Regional Park District, suggested seeing if there was a way the proposed vendor could have access to the park for his business.

(05-286) Sherri Stieg, WABA, stated that the Grand Opening of the Webster Street Farmers Market would be Thursday from 4:00 p.m. to

8:00 p.m.; Friday night will be the first of the Concerts at the Cove; the third Thursdays of the month will offer a variety of festivities; encouraged everyone to attend.

(05-287) Robb Ratto, Park Street Business Association, stated there is a misconception that the Park Street streetscape is being done to eliminate parking in order to create a need for the parking structure; two parking spaces have been lost on Santa Clara Avenue because of the new bus plaza and one parking space has been lost in front of Bonniere Bakery on Park Street; stated he spoke in favor of the original Exclusive Negotiating Agreement for the theatre four years ago; a Request for Proposal was sent out and no one ever came forward with any plans.

Vice Mayor Gilmore moved approval of addressing the Council Communications items past midnight.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

COUNCIL COMMUNICATIONS

(05-288) Discussion regarding City of Alameda Management Practice #37: Staff-Council Communication Policy.

Mayor Johnson stated that an informational library is being compiled which would allow Council to have access to information at one location at City Hall; she feels that Alameda Management Practice #37 is more restrictive than what the Charter provides; the Practice should be reviewed and either revoked or replaced.

Councilmember Matarrese concurred with Mayor Johnson.

Councilmember Daysog stated that issues that led to past discussions on the matter should be discussed when brought back to Council.

Vice Mayor Gilmore stated that everyone seems to agree to place the matter on the agenda.

(05-289) Consideration of Mayor's nomination for appointment to the Public Utilities Board.

Mayor Johnson nominated Peter W. Holmes and John R. McCahan.

(05-290) Councilmember Matarrese requested an update on the Bridgeside Center; stated there were previous discussions regarding the Video Station's ability to either occupy a space at the Center

and the possibility having a Blockbuster; requested an update on when construction would start and the leasing mix.

(05-291) Councilmember deHaan requested staff to review how existing transit operations, such as paratransit and Kid's Coach services, could provide inter-Alameda transportation intertwining with Alameda Point.

ADJOURNMENT

There being no further business, Mayor Johnson adjourned the meeting at 12:04 p.m.

Respectfully Submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -JUNE 7, 2005- -5:30 P.M.

Mayor Johnson convened the Special Meeting at 6:30 p.m.

Roll Call - Present: Councilmembers Daysog, deHaan, Gilmore, Matarrese, and Mayor Johnson - 5.

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(05-254) Public Employee Performance Evaluation; Title: City Manager.

(05-255) Conference with Legal Counsel - Existing Litigation; Name of case: McGee v. City of Alameda.

(05-256) Conference with Labor Negotiators; Agency Negotiators: Human Resources Director and Craig Jory; Employee Organizations: International Brotherhood of Electrical Workers (IBEW) and Management and Confidential Employees Association (MCEA).

Following the Closed Session, the Special Meeting was reconvened and Mayor Johnson announced that regarding Public Employee Performance Evaluation, the Council discussed the performance of the Acting City Manager; regarding Conference with Legal Counsel - Existing Litigation, the Council obtained briefing from Legal Counsel; and regarding Conference with Labor Negotiators, the Council obtained briefing from the Human Resources Director.

Adjournment

There being no further business, Mayor Johnson adjourned the Special Meeting at 7:30 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL JOINT CITY COUNCIL,
COMMUNITY IMPROVEMENT COMMISSION, AND ALAMEDA
REUSE AND REDEVELOPMENT AUTHORITY MEETING
TUESDAY- -JUNE 7, 2005- -7:25 P.M.

Mayor/Chair Johnson convened the meeting at 7:59 p.m.

ROLL CALL - Present: Councilmembers/Commissioners/Board Members
Daysog, deHaan Gilmore, Matarrese, and
Mayor/Chair Johnson - 5.

Absent: None.

MINUTES

(05-257CC/05-029CIC) Minutes of the Special Joint City Council, Community Improvement Commission, and Alameda Reuse and Redevelopment Authority Meeting of May 17, 2005. Approved.

Councilmember/Commissioner/Board Member deHaan moved approval of minutes with the amendment that the minutes state: "Recommendation to receive and file revised Alameda West Strategic Retail Implementation recommendations."

Councilmember/Commissioner/Board Member Matarrese seconded the motion, which carried by unanimous voice vote - 5.

AGENDA ITEMS

ARRA Resolution No. 36, "Approving and Adopting the Operating Budget and Appropriating Certain Moneys for the Expenditures Provided in Fiscal Year 2005-06." Adopted;

(05-030CIC) Resolution No. 05-137, "Approving and Adopting the Operating Budget and Appropriating Certain Moneys for the Expenditures Provided in Fiscal Year 2005-06." Adopted; and

(05-258CC) Resolution No. 13845, "Approving and Adopting the Operating Budget and Appropriating Certain Moneys for the Expenditures Provided in Fiscal Year 2005-06." Adopted.

The Acting City Manager/Executive Director stated that this is the first time that the Alameda Reuse and Redevelopment Authority (ARRA), Community Improvement Commission (CIC) and City Council budgets have been presented at one time; noted it is important to receive the budgets together because there is a considerable amount of interaction between the three agencies; a long-term financial plan for ARRA is provided and a ten-year financial plan for the City would be provided in the near future; additional CIC

information would lay the ground work for the next fiscal year budget; the balanced budget has no new or increased taxes; there is a significant deficit in the infrastructure maintenance; the City needs to spend considerably more than what is included in the budgets to maintain the City streets, sidewalks, and trees; a proposal on how to approach the backlog will be presented to Council during the next six months; stated that service delivery impact presentations will be presented to the Council by the departments with the most significant impacts.

The Finance Director gave a brief presentation on the changes in revenues for the next fiscal year.

The Fire Chief gave a brief presentation on the Fire Department's budget reduction impacts.

The Police Captain of Bureau of Operations gave a brief presentation on the Police Department's budget reduction impacts.

Vice Mayor Gilmore stated the Police Department is being asked to do more with less resources; crime statistics and how the Police Department handles duties matter to the citizens in Alameda; that she received an e-mail recently stating how well the Police Department fights crime and that overall crime statistics have gone down; requested statistics be shared with the public.

The Police Captain of Bureau of Operations outlined the following statistics for 2004: Part 1 crimes for more serious crimes decreased by 16.5%; Part 2 crimes for misdemeanors decreased by 4.6%; arrests were up 3.5%.

Mayor Johnson inquired whether 2005 statistics were available, to which the Police Captain of Bureau of Operations responded that Part 1 and 2 crimes are down, but that he does not have the exact numbers; arrests are on par with last year.

Councilmember Daysog stated that he appreciates the hard work of the Police Department and the pro active approach; Alameda has an earned reputation to be a place where people who have served time do not want to come; reaching appropriate staffing levels is a challenge; his suggestion [to increase the number of police officers] addressed 18 months ago should be revisited.

Councilmember Matarrese stated that he leaves the ability to keep crime levels down to experts; Council should be advised when staffing levels dip below 99 officers; stated the City has 5,000

marine slips for property tax paying boats; inquired whether the Council wants to make a policy decision not to have patrol boat services; inquired what the cost would be to restore the police patrol boat to last summer's level.

The Police Captain of Bureau of Operations responded the Harbor Patrol Program has never been full time; the Program takes two or three officers out of patrol on weekends, which requires overtime backfilling.

Councilmember Matarrese requested figures on what it would cost to restore the patrol operation to last summer's level.

Mayor Johnson stated that the Oakland Police Chief was advocating for boat funding from Homeland Security; inquired whether the City could join the Coast Guard, City of Oakland, and Sheriff's department, to provide patrol services on the Estuary.

The Police Captain of Bureau of Operations responded that the Sheriff's Department has been a wonderful resource for harbor assistance.

Mayor Johnson inquired whether the Sheriff's Department has estuary patrol, to which the Police Captain of Bureau of Operations responded in the affirmative.

Mayor Johnson inquired whether the Sheriff's Department performs enforcement patrols, to which the Police Captain of Bureau of Operations responded in the affirmative; stated that the Coast Guard's priorities are different from municipalities and counties; stated that he will research the Harbor Patrol Program costs.

Mayor Johnson inquired whether the City of Oakland utilized their boat, to which the Police Captain of Bureau of Operations responded that the City of Oakland was not spending much time on the boat due to the shortage of patrol cars on the streets; the situation might have changed; he would look into the matter and report back to Council.

Vice Mayor Gilmore stated that the figures for revitalizing the estuary patrol should also include the boat repair costs.

The Police Captain of Bureau of Operations stated that the boat is a very expensive piece of equipment; one of the problems with the boat program is that officers' skills diminish due to the limited time spent on the boat; lack of expertise and training also add to

the expense of the boat operation.

The City Attorney gave a brief presentation on the City Attorney's office budget reduction impacts.

Mayor Johnson requested further explanation on the impacts of the City Attorney's office reductions.

The City Attorney stated that the duties of two full-time positions that are being cut would be absorbed within the existing staff and would result in some delays in quantity and timeliness of the workload.

Mayor Johnson inquired whether the reduction would cause delays in reviewing contracts, to which the City Attorney responded that the current contract review time is two days; contract review will continue to be treated as a priority.

Mayor Johnson inquired whether two days is an average time for contract review, to which the City Attorney responded the two-day turnaround time was the average time for contract review during the last five months.

Mayor Johnson inquired what service impacts the City departments could expect; stated that a Charter change might be necessary if there was a delay in the City Attorney's office approving a contract.

The City Attorney responded that the existing workload would be spread among existing staff; phones may need to be placed on voice mail at lunch time; there may be a delay in document production and routine tasks; stated the City Attorney's office is trying to work smarter; the workload that is handled by the Administration Management Analyst would need to be spread among the remaining staff; there would be a need to have Department Heads do more in terms of contract preparation and review.

Mayor Johnson inquired whether there was a way to advise the Department Heads which contracts need to be approved by the City Attorney's office and which do not.

The City Attorney stated that she has tried to triage the contracts by preparing a training program and getting forms and options on line to enable the departments to do more of the routine tasks; the level of the budget cut requires that things be done differently.

Mayor Johnson inquired whether there would be a separate presentation for Risk Management, to which the Acting City Manager responded that Risk Management has been included in the City Attorney's presentation.

Mayor Johnson stated that she would address the litigation contingency account issue later.

Councilmember Daysog stated that service to the departments is an important issue; every Councilmember is in agreement with streamlining efforts; the Council appreciates the service that the City Attorney's office has rendered to the public on issues such as the Casino and the Oakland Airport; an 18% cut is a huge hit; stated that the value of the City Attorney's service to the citizens could not be overstated.

The Acting Recreation and Parks Director gave a brief presentation on the impacts of the budget reduction.

Mayor Johnson inquired what the cost would be to implement the Park Master Plan.

The Acting Recreation and Parks Director responded estimates are between \$75,000 and \$125,000, depending upon the number of public meetings, the review process, and the number of times the matter is brought back to various entities.

Mayor Johnson inquired whether maintenance would be included in the Park Master Plan, to which the Acting Recreation and Parks Director responded the Park Master Plan would be an overall park plan covering almost every detail of the park system.

Vice Mayor Gilmore inquired how many grants are successfully applied for each year, to which the Acting Recreation and Parks Director responded that the City received approximately \$860,000 in grants from the last two State bonds [Propositions 12 and 40]; the three grants pending are Estuary Park, Paden School Trail, and Alameda Point Gym.

Vice Mayor Gilmore inquired whether there has been a full-time grant writer in the past, to which the Acting Recreation and Parks Director responded in the negative; grant writing has been divided among the administrative staff.

Vice Mayor Gilmore stated that a grant writing position might be worth reviewing.

Mayor Johnson inquired whether a grant writing position could be utilized by all departments.

The Acting City Manager responded there has been consideration to have an experienced grant writing volunteer; stated grant application opportunities will not be missed.

Councilmember Daysog stated there are consulting companies that provide grant search and administration services and only charge a portion of the grant amount.

Mayor Johnson stated that a professional grant writer might be more aware of grant opportunities; the possibility of contracting out Citywide grant writing services should be reviewed.

Councilmember deHaan inquired whether \$75,000 to \$125,000 for the Park Master Plan consulting services is included in the budget, to which the Acting Recreation and Park Director responded in the negative.

Councilmember deHaan inquired whether anything has been done on the Park Master Plan, to which the Acting Recreation and Park Director responded the initial research has been performed; a Citywide needs assessment was performed a few summers ago.

The Human Resources Director gave a brief presentation on the Human Resources Department's budget reduction impacts.

The Building Official gave a brief presentation on the Planning and Building Department's budget reduction impacts.

Mayor Johnson stated that there are part-time planners at Alameda Point and City Hall; inquired whether having all planners at one location would be more efficient.

The Building Official responded there is one Planner working two days a week at Alameda Point and the rest of the week at City Hall; the schedule has worked out well; the Planner will need to spend more time at City Hall because of the Planning Services Manager cut.

Vice Mayor Gilmore inquired whether the Planning Department's cost recovery is still at 90%, to which the Building Official responded cost recovery is at 100%.

Vice Mayor Gilmore stated that cutting a position that generates revenue may need to be re-thought; the City needs to be business friendly.

Councilmember deHaan inquired whether the City uses contract assistance when there are surges in the workload and whether the costs would be covered by the fees, to which the Building Official responded in the affirmative.

Councilmember Matarrese inquired whether the cut of the Planning Services Manager would slow down the permit and plan review process, to which the Building Official responded that there would be a slow down in plan review with a ripple effect on advanced planning projects.

Councilmember Matarrese stated the cut is not large enough to justify the slow down; the costs incurred due to the cut would be far greater than the savings.

Mayor Johnson inquired about the possibility of utilizing outside consultants.

The Acting City Manager responded that surges and decreases in activity make it difficult to maintain even staffing levels; outside consultants are used to staff up for surges and are paid for by the applicant.

Mayor Johnson stated that staffing should not be leveled to meet the peak demand.

The Acting City Manager stated that the new Planning and Building Director could determine the right amount of staffing to handle the workload.

Councilmember Matarrese stated that he is concerned with the intermediate and smaller projects whose proponents and owners do not have the ability to absorb the delay; doing work without permits might be encouraged and cause a deterioration of the housing stock across the City; the City should be mindful in trying to save a small amount of money and paying a large price in the future.

Councilmember deHaan inquired what the status was for establishing a one-stop permit center and whether it was within the budget.

The Building Official responded that staff is working with the

Acting City Manager to determine where an appropriate one-stop permit center could be; funding has been set aside.

Councilmember deHaan inquired whether there is an improvement in the over-the-counter permit processing.

The Building Official responded in the affirmative; stated front line staff upgrades have freed up Planners' time.

Councilmember deHaan inquired whether goals could be met with streamlined staffing, to which the Building Official responded in the affirmative.

The Development Services Director gave a Power Point presentation on the Development Services Department, CIC and ARRA budget.

Mayor/Chair Johnson inquired whether there would be a Metropolitan Transportation Commission (MTC) grant available for the Phase 2 of the Park and Webster Streets Streetscape Projects next year, to which the Development Services Director responded that MTC believes the City would be a better candidate once the project has been completed.

Mayor/Chair Johnson inquired whether the City would apply for grant funding next year, to which the Development Services Director responded in the affirmative.

Mayor/Chair Johnson inquired how much the City's match would be.

The Development Services Director responded that the formula criteria is not known; stated that a number of funding options have been identified, such as supplemental tax increment payments or unused redevelopment bond money earmarked for the Library project.

Mayor/Chair Johnson stated that it is important to ensure that money is budgeted for Phase 2 next year.

Commissioner/Board Member Daysog stated that the City needs to be very careful in Fiscal Year 2005-06; what happens in the coming year will ripple into the following years; stated there are a lot of committed projects.

The Development Services Director concurred with Commissioner/Board Member Daysog; stated that the Development Services Department is anticipating the resignation of a division director mid year; the position will not be filled; a number of the Development Services

Department funds cannot cross pollinate into other activities; the overhead and staffing in the CIC budget is a little over 10%; there are very few bodies managing CIC projects; Community Development Block Grant (CDBG) funded staff cannot be moved to CIC projects because it is not eligible for them under the grant dollars; there is flexibility within ARRA and CIC staff; only four people are funded through lease revenues; one person will be eliminated; the Development Services Department will continue to morph throughout the year; almost all of the cash flows have been completed, which will provide a good picture of all obligations, pass-throughs, contractual arrangements, etc.

Commissioner/Board Member Daysog stated there is a greater control over the operating costs for staff; the City will need to keep a close eye on projects.

The Development Services Director stated there is not a lot of cushion built in for all of the capital projects.

Commissioner Daysog stated that the \$2 million earmarked for the Library might not go for the Library because the money might be needed for the redevelopment projects.

The Development Services Director stated the cycle is very common; when large construction projects are started there is a slip period of 18 months to three years before the projects hit the tax rolls.

Commissioner Daysog stated that it is important to be very cautious with the large budget projects; the Alameda Power & Telecom cable television project was estimated at \$16 million and cost \$29 million.

The Development Services Director stated that construction costs continue to escalate.

Commissioner Daysog thanked the Development Services Director for the leadership shown.

Commissioner/Board Member deHaan stated the budget is fragile at the best; any Alameda Point glitches would be a major concern; noted he has deep concerns for the future years; stated that he would like to see budgeting for the retail recruiter position in the future.

The Development Services Director stated that a retail recruiter has been funded for one year.

Mayor/Chair Johnson stated that if recruiter benefits are realized, funding can be added for the future years; re-emphasized that 2005, 2006, and 2007 will be extremely lean years; stated that she appreciates the complex and difficult work done by the Development Services Department; efforts will help to bring Alameda back to the viable community and good business center of 20 to 50 years ago.

Commissioner/Board Member Gilmore thanked the Acting City Manager/Acting Executive Director and Department Heads for an extremely useful budget presentation; requested additional information on the COPS Unit and additional staffing of the DARE Program.

Councilmember Daysog requested an Off Agenda Report providing up to date information on the issue of telephone tax for public safety.

Vice Mayor Gilmore inquired whether the proposal to fund infrastructure included an increase in the property transfer tax and the legality of using the funds for streets and sidewalks.

The Acting City Manager responded that he would include the property transfer tax increase in the proposal; the City Attorney will look into the legality of the matter; Proposition 218 addresses what can and cannot be done.

Mayor/Chair Johnson stated that she would like to continue to look at attorney and risk management costs; she would like to spend as little as possible on attorneys so that the money could be spent elsewhere; stated that it is important to be efficient with money and not cut in ways that eventually lead to spending more; stated that the Council needs to exercise some oversight over the litigation contingency budgets; the total amount budgeted for Risk Management is approximately \$470,000 and approximately \$350,000 for Alameda Power & Telecom; suggested that the money be allocated as proposed in the budget but that the City Attorney bring requests to hire outside counsel to the City Council; the City Attorney could be authorized to spend around \$2500 for emergencies until the approval to hire outside counsel can be brought to Council; stated she is open to suggestions from the City Attorney; noted that the Charter gives the Council oversight of hiring outside counsel.

Councilmember Matarrese inquired whether the Planning and Building reduction is a lay off or an unfilled position, to which the Acting City Manager responded the position would not be filled; stated he would like to fill the Planning and Building Director position

first and then get staffing recommendations.

Councilmember Matarrese reiterated that the dollar amount of the reduction is small; that he likes the idea of contracting services; having a reduction in the processing of permits and review of plans costs the City and customer money in the long run; other budget issues are hard realities; stated City services cost a lot of money.

Councilmember deHaan inquired whether there was \$150 million in permits this year, to which the Building Official responded permits have totaled \$138 million.

Councilmember deHaan stated that there was not a budget for FY 2004-05 for nine months; the ten-year plan will give better insight; he is concerned with the future years; praised the efforts of all involved with the budget preparation; stated the information provided is good, hard data; it is important to have some balances in equity within pay structures and labor management agreements.

Vice Mayor Gilmore stated that she was glad that the public was present at tonight's meeting; she hoped that more people attend when the ten-year budget is presented; the City's past commitments will play a big role in the future.

Councilmember Daysog stated that having a ten-year budget is great but it is important to have a strong hold on the budget situation for the next 6 to 18 months; suggested devising a system to track spending and see how the budget is evolving every two weeks.

The Acting City Manager stated that he always reviews the budget with the Finance Director; stated that said information can be passed on to Council.

Councilmember Daysog requested an Off Agenda Report on grant models and payment options; stated he looked forward to the City Attorney's review on how to handle the budget issues regarding attorney and risk management costs; encouraged there be a six or eight month test period to determine whether or not the proposal works.

Mayor Johnson stated that there is a litigation contingency in the budget; the Charter states: "at the request of the City Attorney, the Council can consent to hiring outside counsel"; \$470,000 has been budgeted in the past, but there has not been any follow through on the oversight of hiring of outside counsel; stated she

would like to have a six month review; she does not want to bog down the process; the right amount of money needed for urgent matters should be set; the Charter also allows the Council to delegate the authority to other boards and commissions; the Council should consider delegating the hiring of outside counsel for Alameda Power & Telecom to the Public Utilities Board.

Councilmember Daysog stated that he does not feel there is over spending in the City Attorney's office.

Mayor Johnson stated that she is not suggesting changing the budget amount; she is trying to follow the Charter.

Councilmember deHaan stated that the budget began with focus on the General Fund; special revenue funds, capital projects, debt service, and enterprise funds also need to be reviewed.

Mayor Johnson stated that all the funds are intermingled to a certain extent and have impacts on each other.

Board Member deHaan moved adoption of the Alameda Reuse and Redevelopment Authority Resolution.

Board Member Matarrese seconded the motion, which carried by unanimous voice vote - 5.

Commissioner deHaan moved adoption of the Community Improvement Commission Resolution.

Commissioner Matarrese seconded the motion, which carried by unanimous voice vote - 5.

Councilmember Daysog moved adoption of the City Council Resolution.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

(05-031CIC) Recommendation to approve the Determination that planning and administrative expenses incurred during FY 2004-05 are necessary for the production, improvement or preservation of low- and moderate-income housing.

Commissioner Gilmore moved approval of the staff recommendation.

Commissioner Daysog seconded the motion, which carried by unanimous voice vote - 5.

ADJOURNMENT

There being no further business, Mayor/Chair Johnson adjourned the meeting at 9:54 p.m.

Respectfully Submitted,

Lara Weisiger, City Clerk
Secretary, Community Improvement
Commission

Agenda for meeting was posted in accordance with the Brown Act.